

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

October 10, 2007

Re: 0710-DP-15 19540 Lamong Rd

Ms. Cindy Tripp requests Development Plan and Site Plan review of the Heavenly Care Kennels, on approximately 11.8 acres, in the AG-SF1 district.

Exhibits:

1. Staff Report, 10/10/07
2. Findings of Fact, 10/10/07
3. TAC Comments, 10/05/07
4. Petitioner's Waiver Request (Pathway), 10/03/07
5. Petitioner's Waiver Request (Building Materials), 09/25/07
6. Petitioner's Plans, 10/8/07

Associated Files:

0710-SIT-12	Site Plan
0706-SE-01	Special Exception
0706-VS-014	Accessory Structure not Subordinate to Principal
0706-VS-015	Fence Height

Petition History:

The property was granted a special exception and two (2) variances by the Board of Zoning Appeals (BZA) on June 18, 2007. The special exception (0706-SE-01) was granted to allow for a kennel in the AG-SF1 District with the following conditions:

1. Unless otherwise required by the Technical Advisory Committee, the subject property shall be limited to a single access drive off of Lamong Road;
2. That signage for the kennel shall comply with the standards for home occupation signage under WC 16.08.010, F;
3. That, except for the area that is to be cleared for the building expansion of the kennel, the existing wooded area shall be maintained and shall not be removed. If any of the existing wooded area is removed or dies, then it shall be replaced with:
 - a. Shrubs of similar type and size
 - b. Trees of similar type, and shall comply with the replacement requirements established in WC 16.06.020, E; and,
4. That all conditions associated with variance requests 0706-VS-014 and 0706-VS-015 are binding on the subject property; and,
5. That due to the transitional nature of the surrounding property, this Special Exception is granted for a five-year term.

The property was granted a variance of standard (0706-VS-014) to allow for the construction of an accessory structure that is not subordinate to the principal structure with the following conditions:

1. That no further building or expansion of accessory structure occur on the subject property; and,
2. That the five-year term limit of 0706-SE-01 shall not apply to this variance request; and,
3. That all other conditions associated with variance requests 0706-SE-01 and 0706-VS-015 are binding on the subject property.

The property was granted a variance of standard (0706-VS-015) to allow for the construction of a fence that exceeds six (6) feet in height with the following conditions:

1. That this variance request (0706-VS-015) apply only to the fence enclosing the kennel area, as per the submitted plans;
2. That all other fencing on the subject property be subject to WC 16.04.100, 3;
3. That the fence enclosing the kennel area be no taller than eight feet (8') in height; and,
4. That the five-year term limit of 0706-SE-01 shall not apply to this variance request; and,
5. That all other conditions associated with special exception 0706-SE-01 and variance request 0706-VS-014 are binding on the subject property.

This petition was submitted on September 11, 2007 for Technical Advisory Committee (TAC) review and Advisory Plan Commission (APC) review. Revised plans were submitted on October 2, 2007 for staff review. Comments in this report are regarding plans submitted October 2.

Analysis:

This development plan would provide for the construction of a new kennel within the community. The proposed structure would enclose approximately 2,160 square feet. Anticipated uses, as indicated by the architectural plans would include: dog kennel, cat kennel, grooming and training.

The subject site is approximately 11.8 acres in size and is located on the west side of Lamong Road between 193rd and 206th Streets. The site is currently improved with a single family home and associated residential and agricultural accessory structures.

The site is zoned AGSF-1, Agriculture Single Family 1. Properties abutting this site on all sides are zoned AG-SF1. Properties to the northeast and southeast are residential in nature. The site does not fall within any of the Town's overlay districts.

Development Plan Review:

Development Requirements – General:

This plan is compliant with all the applicable development standards of the zoning district in which the site is located taking into consideration those standards varied by the BZA.

Site Access and Circulation:

Submitted plans provide for the safe and efficient movement of vehicles both into and within the site. Plans also show the parking abutting the front walk to the business for pedestrian movement from the parking area to the main structure. The BZA conditioned the special exception to maintain the single access off Lamong unless otherwise required by TAC. The TAC agencies supported the single access requirement. Improvements will be made to the drive including an asphalt apron per the Hamilton County Highway Department, the addition of a gravel loop per the Westfield Fire Department, and a new asphalt parking lot area.

A waiver request has been submitted by the petitioner for the multi-use path within the Lamong Road right-of-way. The Westfield Thoroughfare Plan identifies a plan for a network of pedestrian and bicycle pathways along the Town's major roadways. Currently, none of the properties on either side of Lamong Road between 193rd and 206th Streets have been improved with a multi-use path. The area is still very rural in nature with farm fields surrounding the property. Given the unknown status of Lamong Road improvements or widening and the nature of the surrounding properties, it is appropriate to delay the installation of the pathway at this time. The petitioner has also stated that at the time of road improvements or annexation, they will add the path and additional landscaping. Staff recommends the requested waiver be approved.

Landscaping:

The landscaping requirements are shown in the tables below. The preserved trees equal 688 caliper inches. This combined with the multiplier of four (4) for the size of the trees and divided by the two caliper inch minimum requirement equals a preservation credit of 1,376 trees. These trees can be counted toward the onsite requirements.

On-Site Requirements

Road Frontage plantings count toward the on-site totals. Additionally, the preserved trees may be counted toward onsite requirements.

	<u>Required</u>	<u>Shown</u>	<u>Preservation Credit</u>	<u>+ / -</u>
Shade Trees (10 per acre)	1	8	1,376	+1,383
Ornamental or Evergreen Trees (10 per acre)	1	13	1,383	+1,395
Shrubs (25 per acre)	3	18	0	+15

Buffer Requirements

The buffer yard standard within the landscape ordinance does not apply as all the adjacent properties and the site are zoned AG-SF1.

Road Frontage Requirements

The terms of the Landscaping Ordinance also require Road Frontage trees where the subject site abuts the right-of-way line of Lamong Road. Road Frontage trees must be planted outside of the road right-of-way. The Town's Thoroughfare Plan requires a 75 foot half right-of-way that the petitioner has made accommodations for in their plans. Please see additional comment under Comprehensive Plan and Thoroughfare Plan.

Road Frontage Trees

	<u>Distance</u>	<u>Required</u>	<u>Shown</u>	<u>+ / -</u>
Lamong Rd	304.46'	8	8	0

Parking Lots

The terms of the landscaping ordinance require additional landscaping within the lot should the proposed parking exceed four spaces and perimeter plantings if there are more than ten parking spaces. The proposal is for four (4) parking spaces; therefore interior and perimeter parking lot landscaping is not required.

Lighting:

All proposed lighting measures less than 1,600 Lumens, making the lighting exempt from review.

Building Orientation:

The Building Orientation requirements of Development Plan Review would apply to the proposed kennel. There are no loading docks or overhead doors proposed for this site. Elevations submitted depict the building orientated toward Lamong Road and behind an existing structure. Submitted plans are compliant with ordinance standards.

Building Materials:

The Building Materials requirements of Development Plan Review would apply to the proposed kennel. These standards require the proposed structure to be constructed using residential building materials, methods, and treatments. The plans submitted by the petitioner show a mix of materials including: concrete block and siding.

A waiver request has been submitted by the petitioner for concrete block used on portions of the building. The Building Materials restrictions relative to non-residential uses in residential districts exist to prevent the location of a structure that is clearly commercial or industrial in nature adjacent to residential structures and uses, thereby interrupting the character of the existing residential area with a structure that is inconsistent in appearance, scale and materials. The overall design of the proposed structure includes elements that could be considered disruptive to the character of a residential area, specifically the concrete block. However, the siding is offset by peaked roof lines making the exterior appear more residential in nature. The overall effect of the design is to allow for a structure that has unique and creative elements, but is still appropriate in the context of its rural surroundings. The concrete block is also necessary for sanitary reasons as it is an easier surface to clean and maintain for the kenneled animals. Staff recommends the requested waiver be approved.

Comprehensive Plan and Thoroughfare Plan:

The Westfield-Washington Comprehensive Plan, adopted in February of 2007, recommends that this area be developed for rural residential uses. While the proposed use is not permitted by right, the use has been granted by way of a special exception per the Board of Zoning Appeals on June 18, 2007.

The Town's Thoroughfare Plan requires a 75-foot half right-of-way that the petitioner has made accommodations for in their plans. Additionally, the Thoroughfare Plan in conjunction with Town development standards requires a multi-use path and an eight-foot (8') path. The petitioner has requested a waiver from the path as noted under Site Access and Circulation above.

Procedures:

The petitioner has followed all required procedures by attending a pre-filing conference, filing all necessary forms, documentation and fees, attending a Technical Advisory Committee meeting, and providing public notice.

Findings of Fact:

The Advisory Plan Commission must determine the following:

1. The proposed development is consistent with the intent and purpose of the Comprehensive Plan.

Finding: The Westfield-Washington 2020 Comprehensive Plan recommends that this area be developed for rural residential. The proposed use is not residential; however, it is permitted by the Board of Zoning Appeals decisions on June 18, 2007 for cases: 0706-SE-01, 0706-VS-014, and 0706-VS-015.

2. The proposed Development Plan satisfies the development requirements specified in this ordinance and variances.

Finding: Pending compliance with the conditions, the proposed development plan satisfies the applicable requirements specified in the Westfield-Washington Township Zoning Ordinance.

RECOMMENDED MOTION:

Approve 0710-DP-15 with the following conditions:

1. That the petitioner complies with any requirements from the Hamilton County Highway Department;
2. That the petitioner complies with any requirements from the Hamilton County Surveyor's Office.

To finalize the approval of this development plan, sign the attached Findings of Fact sheet (Exhibit 2).

In the event that this development plan is not approved, please briefly state the reasons on the attached Findings of Fact sheet (Exhibit 2).

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Re: 0710-DP-15 19540 Lamong Rd

Ms. Cindy Tripp requests Development Plan and Site Plan review of the Heavenly Care Kennels, on approximately 11.8 acres, in the AG-SF1 district.

FINDINGS OF FACT

Findings of Fact:

The Advisory Plan Commission must determine the following:

1. The proposed development is consistent with the intent and purpose of the Comprehensive Plan.

Finding: The Westfield-Washington 2020 Comprehensive Plan recommends that this area be developed for rural residential. The proposed use is not residential; however, it is permitted by the Board of Zoning Appeals decisions on June 18, 2007 for cases: 0706-SE-01, 0706-VS-014, and 0706-VS-015.

2. The proposed Development Plan satisfies the development requirements specified in this ordinance and variances.

Finding: Pending compliance with the conditions, the proposed development plan satisfies the applicable requirements specified in the Westfield-Washington Township Zoning Ordinance.

<u>Voting For</u>	<u>Voting Against</u>	<u>Abstain</u>
<hr/> Jim Carey	<hr/> Jim Carey	<hr/> Jim Carey
<hr/> Ginny Kelleher	<hr/> Ginny Kelleher	<hr/> Ginny Kelleher
<hr/> Ken Kingshill	<hr/> Ken Kingshill	<hr/> Ken Kingshill

Gloria Del Greco

William Sanders

Cindy Spoljaric

Carolyn Stevenson

Robert Horkay

Joe Plankis

Plan Commission Secretary, _____

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Re: 0710-SIT-12 19540 Lamong Rd

Ms. Cindy Tripp requests Development Plan and Site Plan review of the Heavenly Care Kennels, on approximately 11.8 acres, in the AG-SF1 district.

Exhibits:

1. Staff Report, 10/10/07

Associated Files:

0710-DP-15	Development Plan Review
0706-SE-01	Special Exception
0706-VS-014	Accessory Structure not Subordinate to Principal
0706-VS-015	Fence Height

Analysis:

This development plan would provide for the construction of a new kennel within the community. The proposed structure would enclose approximately 2,160 square feet. Anticipated uses, as indicated by the architectural plans would include: dog kennel, cat kennel, grooming and training.

The subject site is approximately 11.8 acres in size and is located on the west side of Lamong Road between 193rd and 206th Streets. The site is currently improved with a single family home and associated residential and agricultural accessory structures.

The site is zoned AG-SF1, Agriculture Single Family 1. Properties abutting this site on all sides are zoned AG-SF1. Properties to the northeast and southeast are residential in nature. The site does not fall within any of the Town's overlay districts.

Recommended Motion:

Approve 0710-SIT-12 with the following conditions:

1. That any condition associated with 0710-DP-15 be satisfied prior to the issuance of an ILP for the subject site.

Jennifer Miller

From: Robert Thompson [rct@co.hamilton.in.us]
Sent: Friday, October 05, 2007 3:31 PM
To: Jennifer Miller
Cc: Greg Hoyes; cat3846@verison.net
Subject: RE: Heavenly Care Kennels - 19540 Lamong Rd
Attachments: HomeLotEnglish.pdf

I spoke with Ms Tripp and I feel that a SWPPP is not needed for this project. For erosion control I will suggest that she and her contractors follow the attached guideline for individual building lot construction.
Regards

Robert Thompson, RLA, CLARB

Program Manager
Hamilton County Surveyor's Office
1 Hamilton Co. Square, Suite 188
Noblesville, IN 46060
☎ 317-776-8495, fax: 317-776-9628
✉ rct@co.hamilton.in.us

www.co.hamilton.in.us/cleanwater

Watch over your watershed - you drink what runs off

>>> On 10/5/2007 at 10:10 AM, in message
<742DFD27621AE149852C0224D3BA7C6102E8C33C@wem1.westfield.local>, "Jennifer Miller"
<jmiller@westfield.in.gov> wrote:

Yes-Cindy Tripp, cat3846@verison.net or 710-1269. I did email her yesterday asking her to get in touch with you and provided your contact information. I also advised her that she needed to get her paperwork into your office before I could let her proceed to the Plan Commission. Thank you for following up.

Sincerely,

Jennifer Miller

From: Robert Thompson [mailto:rct@co.hamilton.in.us]
Sent: Friday, October 05, 2007 10:01 AM
To: Jennifer Miller
Subject: Re: Heavenly Care Kennels - 19540 Lamong Rd

Greg is not here today do you have contact info for the person that is in charge of this facility?

Robert Thompson, RLA, CLARB

Program Manager

Hamilton County Surveyor's Office

1 Hamilton Co. Square, Suite 188

Noblesville, IN 46060

☎ 317-776-8495, fax: 317-776-9628

✉ rct@co.hamilton.in.us

www.co.hamilton.in.us/cleanwater

Watch over your watershed - you drink what runs off

>>> On 10/4/2007 at 10:58 AM, in message

<742DFD27621AE149852C0224D3BA7C6102E8C32C@wem1.westfield.local>, "Jennifer Miller"

<jmiller@westfield.in.gov> wrote:

Gentlemen,

I am writing to find out if you have any outstanding issues with Heavenly Care Kennels at 19540 Lamong Road that you need resolved prior to the petitioner's appearance at the Westfield Advisory Plan Commission meeting later this month. She has satisfied all the requirements of our office.

Sincerely,

Jennifer Miller

Planner I

"Old Town Charm, New City Style"

Town of Westfield, 130 Penn Street, Westfield, IN 46074

ph: 317.896.5577 fx: 317.896.2791

Jennifer Miller

From: David Lucas [del@co.hamilton.in.us]
Sent: Monday, October 08, 2007 8:05 AM
To: Jennifer Miller
Subject: Heavenly Kennels

Jennifer,

I have received a revised site plan from Mrs. Tripp and the issues with the entrance are resolved. I do not have a problem with this project proceeding to the Plan Commission.

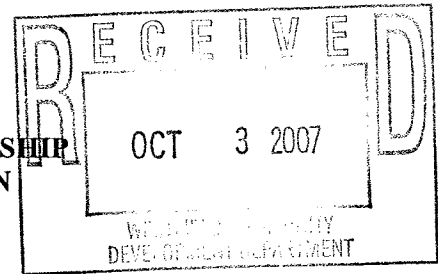
Sincerely,
David E. Lucas
HCHD Staff Engineer/Road

1700 South 10th Street
Noblesville, IN 46060

(317) 773-7770 - Office
(317) 776-9814 - Fax

e-mail: del@co.hamilton.in.us
website: www.co.hamilton.in.us

**WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION**



Petition Number: 0710-DP-15 (0710-SIT-12)
Address: 19540 Lamong Road, Sheridan, IN 46069
Petitioner: Cindy Tripp
Request: REVISED Waiver of public sidewalks along Lamong Road
Current Zoning AG-SF-1
Approximate Acreage: 11.83

The Plan Commission may approve a waiver of Development Requirements only upon finding that:

- 1. The proposed development represents an innovative use of site design/site access design/site circulation design/ building orientation/building materials/landscaping which will enhance the use or value of area properties.**

Sidewalks along Lamong Road would result in lower farm ground use and would not be a value to the properties in the area. If the proposed develop site should become subject to annexation, at a future date, for the Towns Thoroughfare Plan, I agree to add sidewalk, at my expense, at that time or if the property is sold this stipulation will pass on to the next owner. Plus proposal to add shade trees at the potential R/W, along Lamong Road, asphalt drive with sidewalks connecting to the public building and an earth mound with evergreen trees used as a privacy fence will add tremendous value to the development site and to the surrounding properties.

- 2. The proposed development will not be injurious to the public health, safety, morals or general welfare of Westfield-Washington Township.**

Petitioner's explanation: The lack of pedestrian way along Lamong Road will not negatively affect the public health, safety, morals, or general welfare of the Community. In fact, we believe providing the sidewalks to the public building will be an improvement to public safety as there is no pedestrian traffic to contend with along Lamong Road.

- 3. The strict application of the Development Requirements of the Westfield-Washington Township Zoning Ordinance will result in a development of the real estate which is undesirable when compared with the proposed development.**

Petitioner's explanation: The Strict application of the development requirements, specifically the providing a sidewalk along Lamong Road, will result in an undesirable location of pedestrian traffic. As the development has internal walkways connected to the public building and parking area.

- 4. The proposed development is consistent with and compatible with other development located in the area.**

The proposed development is consistent with other AG-SF-1 in the surrounding area as it is mostly farm ground and no other public areas or sidewalks.

- 5. The proposed development is consistent with the intent and purpose of the Westfield-Washington Township Comprehensive Plan.**

The development is a special exception development being constructed in an area with AG-1 zoning and is consistent with the intent and purpose of the Westfield –Washington Township

Comprehensive Plan both in its use and in this case, by the Board of Zoning Appeals on June 18, 2007.

**WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION**

Petition Number: 0710-DP-15 (0710-SIT-12)
Address: 19540 Lamong Road, Sheridan, IN 46069
Petitioner: Cindy Tripp
Request: **Waiver of building materials** to permit non-residential materials and techniques.
Current Zoning AG-SF-1
Approximate Acreage: 11.83

The Plan Commission may approve a waiver of Development Requirements only upon finding that:

1. **The proposed development represents an innovative use of site design/site access design/site circulation design/ building orientation/building materials/landscaping which will enhance the use or value of area properties.**

The proposed block building with proper applications of finishing is the most ideal building material to use. It allows for disinfectant and bleach to be used on a daily basis without comprising the structure over time. Dogs scratching or biting at a building made of anything but block would result in a torn up looking building, which would depreciate the value. The roof line covering the block building also covers the outside runs and will hide the appearance of the painted, block building.

2. **The proposed development will not be injurious to the public health, safety, morals or general welfare of Westfield-Washington Township.**

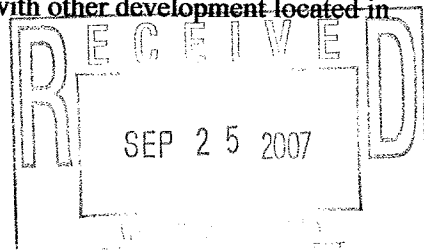
Petitioner's explanation: The lack of non standard building materials will not negatively affect the public health, safety, morals, or general welfare of the Community. In fact, we believe the block building will provide extra sound cushion and by being able to keep the building properly cleaned, there will be no possible odors.

3. **The strict application of the Development Requirements of the Westfield-Washington Township Zoning Ordinance will result in a development of the real estate which is undesirable when compared with the proposed development.**

Petitioner's explanation: The strict application of the development requirements would result in an undesirable appearance of the building. As the block building will in a desirable appearance that would enhance the surroundings. Westfield-Washington Township Zoning Ordinance approved the plan on June 18th.

4. **The proposed development is consistent with and compatible with other development located in the area.**

The proposed development is consistent with and compatible with other development located in the area as the reputable kennels in Sheridan and Zionsville.



5. The proposed development is consistent with the intent and purpose of the Westfield-Washington Township Comprehensive Plan.

The development is a special exception development being constructed in an area with AG-1 zoning and is consistent with the intent and purpose of the Westfield-Washington Township Comprehensive Plan both in its use and in this case, by the Board of Zoning Appeals which approved the development on June 18, 2007.